

Application No.: 10/697,208
Filed: October 30, 2003
TC Art Unit: 2615
Confirmation No.: 2211

REMARKS

The foregoing amendment is filed in response to the official action dated February 22, 2007. Reconsideration is respectfully requested.

The status of the claims is as follows:

Claims 1-45 are currently pending.

Claims 1-45 stand rejected.

Claims 4-5, 10, 20-21, 25-26, and 31 have been amended.

The Applicant's Attorney wishes to thank the Examiner for affording him the opportunity to discuss formal matters relating to the official action by telephone on July 24, 2007.

The Examiner has rejected claims 1-3, 8-9, 18-19, 22-24, 29-30, 36, and 41 under 35 U.S.C. 102(b) as being anticipated by Pompei (USP Pub. 2004/0114770 A1). The Examiner has also rejected claims 11-13, 32-34, 37-39, and 42-44 under 35 U.S.C. 103(a) as being unpatentable over Pompei (USP Pub. 2004/0114770 A1) in view of Schmmoll III (USP 4,308,422). In addition, the Examiner has rejected claims 14, 35, 40, and 45 under 35 U.S.C. 103(a) as being unpatentable over Pompei (USP Pub. 2004/0114770 A1) in view of Nourse et al. (USP Pub. 2003/0063755 A1). In addition, the Examiner has rejected claims 16-17 under 35 U.S.C. 103(a) as being unpatentable over Pompei (USP Pub. 2004/0114770 A1) in view of

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Shinohara (USP Pub. 2003/0005461 A1). In addition, the Examiner has rejected claim 15 under 35 U.S.C. 103(a) as being unpatentable over Pompei (USP Pub. 2004/0114770 A1) in view of Kurtz (USP 6,754,452).

The Applicant respectfully submits, however, that each of the above-listed grounds for rejecting the claims is improper because each is based, at least in part, upon the Pompei reference (USP Pub. 2004/0114770 A1), which is merely the publication of the present application (Pub. Date: June 17, 2004). Because each of the above-listed grounds for rejecting the claims is improperly based upon the publication of the present application, the Applicant respectfully submits that the rejections of the claims based upon these grounds should be withdrawn.

The Examiner has rejected claims 4-7, 10, 20-21, 25-28, and 31 under 35 U.S.C. 103(a) as being unpatentable over Pompei (USP Pub. 2001/0007591 A1) in view of Paritsky et al. (USP Pub. 2002/0048373 A1). The Applicant respectfully submits, however, that claims 4-5, 10, 20-21, 25-26, and 31, as amended, and the claims depending therefrom (as applicable), recite non-obvious subject matter that distinguishes over the art of record, and therefore the rejections of claims 4-7, 10, 20-21, 25-28, and 31 under 35 U.S.C. 103 should be withdrawn.

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Specifically, the Applicant respectfully traverses the assertion of Official Notice that the limitation of selecting the plurality of audio channels from the group consisting of a first audio channel corresponding to a first location in front of a user of the system, a second audio channel corresponding to a second location in back of the system user, a third audio channel corresponding to a third location to the left of the system user, and a fourth audio channel corresponding to a fourth location to the right of the system user, as recited in amended claim 4, is commonly known. In addition, the Applicant respectfully submits that the teachings of the art of record, and the knowledge of persons of ordinary skill in the art, would not suggest to one skilled in the art at the time of the invention the subject matter of amended claim 4, which further recites the modulated signal generator configured to combine the plurality of audio channels, and to generate the ultrasonic carrier signal modulated with the combined audio channels.

In addition, the Applicant respectfully submits that the teachings of the Pompei (USP Pub. 2001/0007591 A1) and Paritsky references, taken alone or in combination, would not suggest to one skilled in the art at the time of the invention the subject matter of amended claim 5, which recites that the directional

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loudspeaker is a parametric array, the system includes a parametric array processor for controlling the parametric array, and that the parametric array processor is configured to allow at least one parameter thereof to be adjusted based upon one or more of the detected distance from the directional loudspeaker to the user of the system, and the detected position of the user relative to the system.

In addition, the Applicant respectfully traverses the assertion of Official Notice that it is commonly known to select the system from the group consisting of a television, a radio, an audio tape player, a phonograph, a compact disk player, a digital video disk player, a laser disk player, a video game, a desktop computer, a laptop computer, and an MP3 system, as recited in amended claim 10. In addition, the Applicant respectfully submits that the teachings of the art of record, and the knowledge of persons of ordinary skill in the art, would not suggest to one skilled in the art at the time of the invention the subject matter of amended claim 10, which further recites that the directional loudspeaker is configured to direct the sound beam along the pre-selected path toward a user of the system, thereby preventing individuals other than the system user from hearing sound produced by the system.

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In addition, the Applicant respectfully submits that the teachings of the Pompei (USP Pub. 2001/0007591 A1) and Paritsky references, taken alone or in combination, would not suggest to one skilled in the art at the time of the invention the subject matter of amended claim 20, which recites the swing-arm assembly configured to mount the directional loudspeaker to a ceiling, a floor, or a wall, and to direct of the projected sound beam along the pre-selected path, and the subject matter of amended claim 21, which recites the clamp assembly configured to mount the directional loudspeaker to a ceiling, a floor, or a wall, and to direct of the projected sound beam along the pre-selected path.

For at least the reasons discussed above with reference to amended claims 4-5 and 10, the Applicant further submits that the teachings of the Pompei (USP Pub. 2001/0007591 A1) and Paritsky references, taken alone or in combination, would not suggest to one skilled in the art at the time of the invention the subject matter of amended claims 25-26 and 31, respectively. Accordingly, it is respectfully submitted that the rejections of claims 4-7, 10, 20-21, 25-28, and 31 under 35 U.S.C. 103 should be withdrawn.

In view of the foregoing, it is respectfully submitted that the present application is in a condition for allowance. Early and favorable action is respectfully requested.

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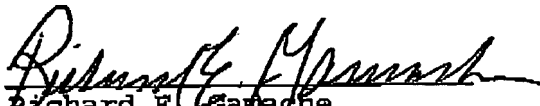
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The Examiner is encouraged to telephone the undersigned Attorney to discuss any matter that would expedite allowance of the present application.

Respectfully submitted,

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